

REMARKS/ARGUMENTS

This is in response to the Office Action dated October 4, 2004. Reconsideration is respectfully requested.

The Examiner has objected to number of the claims. The Applicant has corrected the number of the claims.

Claims 1-15 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of copending Application Serial No. 10/325,639 (the '639 application). Claims 1-13 of the '639 application issued October 12, 2004, as claims 1-13, respectively, of U.S. Patent No. 6,802,378 (the '378 patent). The Applicant respectfully traverses the Examiner's rejection of claims 1-15.

In making an obviousness-type double patenting rejection, the claims of the application should be compared to the claims of the application. Then, it should be determined if the differences between the claims of the application and the claims of the patent would have been obvious to a person of ordinary skill in the art. The disclosure of the patent cannot be used as prior art. The Examiner has identified the differences between what is claimed in claims 1 and 10 of the '378 patent and claims 1 and 10, respectively, of the present invention. Claims 1 and 10 of the present application include the additional steps of "measuring a fluid pressure in the drill string" and "adjusting the first and second torque magnitudes in response to changes in the fluid pressure." The Examiner has taken the position that these additional steps would have been obvious since "adjusting the magnitudes allows for better drill control."

The Applicant respectfully traverses the Examiner's position. The Examiner has not cited any art that would suggest adjusting the magnitudes of torque to which a drill string, which is connected to a downhole drilling motor oriented at a selected face angle, is rocked in response to changes in drilling fluid pressure. The Examiner has made the broad statement that "adjusting the magnitudes [of the first and second torques] allows for better drill control." The Applicant has added the bracketed material to the quoted language to make it clear that the "magnitudes" are torque magnitudes. The Examiner has cited no art that teaches or suggests that adjusting torque magnitudes in the claimed or any other environment allows better drill control.

Appl. No. 10/613519
Amdt. dated January 4, 2005
Reply to Office Action of October 4, 2004

PATENT

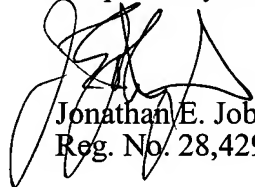
Moreover, the Examiner's stated rationale has nothing to do with measuring fluid pressure and adjusting the torque magnitudes in response to changes in fluid pressure. Accordingly, the Applicant respectfully submits that the claims of the present application are patentably distinct from the claims of the '378 patent.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6153.

Respectfully submitted,



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